

Remarks

The Office Action mailed March 30, 2009 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Applicant believes that no extension of term is required and that no additional fee for claims is required. If any additional fee is required for an extension of term or claims, the Commissioner is hereby authorized to charge Deposit Account No. 01-2384.

Claims 1-4 and 6-38 are now pending in this application and are subject to a restriction requirement. Claim 5 has been canceled. Claims 1, 6-8, and 34 have been amended.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested.

A restriction to one of the claims identified in the Office Action as being invention I, consisting of claims 1-11 drawn to a method for a consumer to obtain timely and appropriate marketing data while remaining anonymous..., classified in Class 705, subclass 10, the claims identified in the Office Action as being invention II, consisting of claims 12-33 drawn to providing a questionnaire to a consumer, the questions having a nature such that answers only includes non-identifying information concerning the consumer..., classified in Class 705, subclass 10, or the claims identified in the Office Action as being invention III, consisting of claims 34-38, drawn to encouraging a group of consumers to self-generate anonymous consumer profiles..., classified in class 705, subclass 10, was imposed. In response, Applicant elects, with traverse, to prosecute the claims identified in the Office Action as being invention II, claims 12-33.

The requirement for election is traversed because the inventions set out by the claims in each of the groupings are clearly related. The relatedness of the claims, and the position that the claims describe a single invention, is further shown by the fact that all three of the claim groupings are described as being within the same class and subclass (class 705, subclass 10). Applicant submits that a thorough search and examination of any of the claim groupings would be relevant to the examination of the other claim groupings and would not be a serious burden on

the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. 121. Accordingly, reconsideration of the election requirement is requested.

It is noted that in MPEP § 806.05(d), that restriction is only proper when there would be a serious burden if restriction were not required, as evidenced by separate classification, status, or field of search. It has been previously noted that the claims of the currently pending application are not separately classified, and Applicant further requests reconsideration of the restriction requirement.

Finally, the Office Action sets forth the position that the claims identified in the Office Action as being inventions I, II, and III are related as subcombinations disclose as usable together in a single combination and that the subcombinations are distinct from each other if they are shown to be separately usable and references MPEP § 806.05(d). However, the Examiner never sets forth how the claim groups are separately usable. Instead, the Office Action merely quotes the claim language of each independent claim of the application.

According to MPEP §806.05(d), “[t]he examiner must show, by way of example, that one of the subcombinations has utility other than in the disclosed combination”. Instead, the Office Action merely quotes the claim language of various independent claims of the application. The MPEP continues by stating if “an applicant ... provides an argument, supported by facts, that the other use, suggested by the examiner, cannot be accomplished or is not reasonable, the burden is on the examiner to document a viable alternative use or withdraw the requirement”. In the instant application, the Examiner has not provided a viable alternative use, and for this reason, along with the additional reasons set forth above, Applicant requests reconsideration and withdrawal of the restriction requirement.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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